

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, July 20, 1976, at 7:30 P.M.

Present:

Allen M. Smith, Supervisor  
George G. Young, Councilman  
Francis E. Menendez, Councilman  
John Lombardi, Councilman  
Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowski, Jr., Town Attorney  
Alex E. Horton, Supt. of Highways

Supervisor Smith called the Meeting to Order at 7:30 P.M. and the Pledge of Allegiance was recited.

Supervisor Smith then stated that he had a few preliminary matters that he would like to make statements on, before they proceeded with the regular Agenda and proceeded as follows:

"Dr. Smith, one of the questions that you've had in the past was with reference to the corner of Penny's Landing Road and Sound Shore Road and the deed there. We've recorded that deed and we'll proceed with the plan for that particular intersection.

Our Assessors have provided us with a letter dealing with the assessed valuations for the Town of Riverhead for the forth coming tax year. These figures that I will summarize, deal with the assessed valuation for the township and are not meant to be an application towards a particular district, such as water or school. The thrust of the letter is that for the first time, in my memory, that we anticipated a decrease in the assessed valuation in the township. This is a result of an increase in new exemptions, farm, veteran and aged, that nearly approximates the total increase in assessed valuation by reason of new construction and we figure there-in the settlements for some of the certioraris that are now pending, one of which we will settle this evening.

The last item I wish to call to the public's attention, is that we have received the results of our grievance with the State Board of Equalization and Assessment and unhappily we can not report that we achieved the success that we have in the past two years with reference to equalization and assessment by 100ths. The mechanics of that means that we will save some thousands of dollars, but not anywhere near the figures that we have saved in the past two years, on your behalf."

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Minutes of the Special Meeting of the Town Board of the Town of Riverhead, held on June 29, 1976 and of the Meeting of the Town Board of the Town of Riverhead, held on July 6, 1976, be approved as submitted.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board of the Town of Riverhead convened as a Board of Audit and examined the following bills, submitted on Abstracts, dated July 20, 1976:

|                  |             |
|------------------|-------------|
| General Town     | \$10,928.92 |
| Highway Item #1  | \$ 9,001.01 |
| Highway Item #3  | \$ 5,339.21 |
| Highway Item #4  | \$ 1,499.48 |
| Capital Projects | \$ 1,468.09 |

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following bills, submitted on Abstracts, dated July 20, 1976, be approved for payment:

|                  |             |
|------------------|-------------|
| General Town     | \$10,928.92 |
| Highway Item #1  | \$ 9,001.01 |
| Highway Item #3  | \$ 5,339.21 |
| Highway Item #4  | \$ 1,499.48 |
| Capital Projects | \$ 1,468.09 |

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Tax Receiver's, dated July 7, 1976. (Final) Filed.  
Recreation Department, month of June, 1976. Filed.

COMMUNICATIONS

Suffolk County Department of Planning, dated 7/2/76, relating to Amended Building Zone Ordinance, Section 85-188 and 189, Town of Brookhaven and stating that if no objections are received by July 22, 1976, it will be assumed that there are no objections. Filed.

State of New York, Department of Transportation, Traffic and Safety Division, dated June 9, 1976 - Ordered repeal of "BUS STOP" restriction which is no longer in use, west of Griffing Avenue in Riverhead. Order is to be effective immediately. Filed.

Town of Riverhead Planning Board, dated July 6, 1976, relating to Petition of West Side Realty Co. for a Special Exception to construct a building in excess of the maximum percentage of area coverage required by Ordinance #26 and for a Modification in the Off-Street Parking Requirements, under Subdivision (1) of Section 301J.

The Planning Board gave due consideration to the fact that the Zoning Ordinance had been amended to increase the requirements from one parking space for 80 square feet of floor area to 120 square feet of floor area in Business B Zoning Use District and the aforesaid increase was recommended by the Planning Board as a maximum ratio based on the volume of business at a shopping center which would be reasonable considering the projected density of population for this area and further recommending that the aforesaid petition of West Side Realty Co. be denied. Filed.

COMMUNICATIONS - continued:

George Zarcadoolas stating that Peconic Sands, Inc. held the contract on Jamesport Marina for the years 1973, 1974 and 1975, and upon the turn over of existing equipment they allowed the 2,000 gallon gas tank and gas pump to remain on the premises.

He further states that he can no longer allow this equipment to remain there and asks that the Town purchase it for the price of \$500.00.

Filed.

Joe Saland, dated July 8, 1976, tendering his resignation, with profound regrets, as Chairman of the Board of Assessment Review, due to health reasons and said resignation to take effective immediately.

He further states that his wife Shirley will also be unable to serve as Secretary to the Board of Assessment Review, due to his condition.

Filed.

Department of the Army, Corps of Engineers, dated July 4, 1976, relating to application of Sophie Maus and Doris Pike, for construction work to be done on Great Peconic Bay, Laurel, Town of Riverhead, N.Y.

Any protests regarding the proposed work should be prepared in writing, prior to August 16th and mailed to the Corps of Engineers Office. Mr. Christopher Pedersen may be contacted if there are any questions concerning this application.

Filed.

Ray Krogman, Mattituck, dated July 14, 1976, as follows:

"As the enclosed photostat will show, I paid to Mrs.

Barrett on May 5, 1976 the sum of \$173.34 for a slip in the Jamesport Marina.

Since she could not supply the facilities that I needed for my boat upon launching, I verbally requested a refund of my money to which I received no response. I have been told that there is a fund set aside for problems such as these out of the original contract monies between Mrs. Barrett and Riverhead Town. I am going to pursue this matter in small claims court and I would appreciate your comments on this matter."

Filed.

Supervisor Smith stated as follows:

"There is an accounting proceeding that is returnable tomorrow, in Supreme Court, Suffolk County that will resolve some of these problems."

State of New York Commission on Cable Television, in the matter of Application of L.I. Cablevision Corporation for approval of an amendment to the franchise awarded to it by the Town of Riverhead. Order issued July 1, 1976, states that the application of Long Island Cablevision Corporation for approval of amendments to its franchise from the Town of Riverhead is hereby granted. Filed.

COMMUNICATIONS - continued:

William Rooney, Quail Hollow Civic Association, Wading River, New York, dated June 25, 1976, stating that the residents of Quail Hollow are concerned about the safety and welfare of their children.

He further states that the area of Francis, Leonard and Benjamin Streets have no posted speed limit, and request Board's consideration in approving a 20 mile per hour speed limit for the entire area. Filed.

This matter was referred to Police Chief Palmer.

State of New York, Dept. of State, dated July 16, 1976, acknowledging receipt of Local Law No. 3 of 1976. Filed.

Ken Schou, Asst. Promoter of Riverhead Raceway, dated July 16, 1976, advising that the Riverhead Raceway will be conducting races on Tuesday nights, starting July 20th, 1976 and further that tentative plans are to conduct races sanctioned by the American Three Quarter Midget Racing Assoc. and their Bomber Stock Car Division from Tuesday, July 20th through Tuesday, August 24, 1976 with special Tuesday events still to be scheduled. Filed.

John A. Rolle, dated July 20th, 1976, stating that he has had a drainage problem in front of his yard for the last 22 years. When there is a rain of over ½ inch the water flows onto his property from three directions and is so bad that the least bit of rain blocks his driveway. There was a dry well installed sometime ago, which did not help and another smaller dry well was added and it did not solve the problem and all he has now are two breeding grounds for mosquitoes. Further adding that it not only inconveniences him, but the traffic also has to detour, and after 22 years and many promises, there should be some solution. Filed.

Vin Laura, Double Bar B Ltd., received July 20, 1976, stating as follows:

"Please be advised that the Muscular Dystrophy Rodeo has been postponed due to the inability of their getting the proper advertising done in time.

Please inform me as to what action I must take to secure the proper permits for the rodeo at its new dates. (Tentative August 27, 28 and 29, 1976)." Filed.

UNFINISHED BUSINESS

a) Decision on Proposed Noise Ordinance No. 45 - Pending.

c) Decision on G. Schmelzer - Petition for Special Permit - Supervisor Smith stated that this matter would be taken care of by resolution, later in the evening.

d) Decision on Application for Special Permit - Roanoke Shopping Plaza - Supervisor Smith stated that this matter would be taken care of by resolution, later in the evening.

## UNFINISHED BUSINESS - continued:

b) Decision on Extending Riverhead Fire District and Dissolving the Protection Districts - Supervisor Smith asked if anyone wished to be heard on this subject and the following responded:

Richard Park, Aquebogue talked on the dissolution of the Fire Protection Districts and presented the Board with a Petition expressing the Aquebogue-Jamesport area residents' opinions on the subject.

Councilman Menendez asked Mr. Park if he had ever been a fireman.

Mr. Park stated that he was a fireman for seven years in Jamesport.

Councilman Menendez then asked Mr. Park if he wanted to go back to the Fire Department if the new district was incorporated.

Mr. Park replied that he would join the Jamesport Dept. again.

Supervisor Smith stated that for the first time, they had a letter from the Jamesport Fire District stating that they have received and accepted a request from residents of Aquebogue to extend the Jamesport Fire District into their area.

He then stated that essentially the proposed line between the revised Jamesport District and the revised Riverhead District goes along Meetinghouse Creek to the Aquebogue Cemetery, across Route 25, up West Lane to its intersection with Sound Avenue, along the easterly lot line of the Wells Farm, straight up to the Sound.

He continued by reading the Petition, which stated: "The undersigned residents and taxpayers petition the Town Board of Riverhead to place residence and lands from the Riverhead Fire Protection District to the Jamesport Fire District."

He further stated that what the Petition meant to say was that the residents want the lands of the Aquebogue Fire Protection District placed in the Jamesport Fire District.

Mr. Park corrected him by saying that they wanted part of the Aquebogue lands, not all of them.

Councilman Menendez asked if the boundary line was drawn by the Jamesport Fire Commissioners.

Mr. Park replied that it was a joint effort between the Commissioners and himself.

Councilman Menendez asked if the Jamesport Commissioners had notified the Riverhead Commissioners with reference to that request.

Mr. Park replied that he didn't know.

UNFINISHED BUSINESS - continued:

Supervisor Smith suggested a meeting of the Jamesport Companies or representatives of same, the Commissioners of both Jamesport and Riverhead and the Town Board, on this matter, before any action was taken on the Petition.

Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling Public Hearing in respect to "Taking Map for the Town of Riverhead", for the acquisition of certain property by the Town of Riverhead for the purpose of Public Park and Recreational purposes which said property is the Morell Property.

The affidavits were ordered to be placed on file.

Supervisor Smith stated that the parcel that was being considered is on the westerly side of Peconic Avenue generally between the barber shop and the food store and was part of Riverhead's participation in a Federal Program for improvement of park sites, etc.

He then stated that the Hearing was being held pursuant to the Suffolk County Improvement Act and objections could be made on the actual meets and bounds of the taking or condemnation or to the purpose or use of that site for park purposes.

He then declared the Hearing open and asked if anyone wished to be heard.

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:01 P.M. and re-opened the Meeting.

PERSONAL APPEARANCES

Richard Gadzinski, Riverhead, spoke on the dissolution of the Fire Protection Districts.

He then stated that the Riverhead Fire Department was looking to create this one Fire District to offer the best possible protection to all the taxpayers that they protect.

He continued by saying that what they were trying to do was equalize to some degree, the rates paid by the Protection areas, now in effect, as opposed to the present Fire District.

He then spoke of the cost that would be involved for the people of the Protection areas, saying that they were now paying 27.4¢ per \$100 of assessed valuation.

Supervisor Smith stated that it had been previously stated by Antone Bugdin and the Chairman of the Board of Fire Commissioners that it is anticipated that the areas beyond the Riverhead Water District would become known as Zone 2 and that there would be a distribution of the burden of operation between the Water District area of the Riverhead Fire District and a lesser burden for those areas beyond.

PERSONAL APPEARANCES - continued:

Dr. Alfred Smith, representing the Northville Beach Civic Association, spoke again on the matter of getting the boat ramp at Iron Pier Beach repaired and complained at the length of time that the residents have had to wait for results.

Discussion followed.

Supervisor Smith stated that he understood Dr. Smith's frustration, but everytime Mr. Horton went down to do a little repairing, they were violating the law, because they did not have a permit.

Short discussion followed.

George Herman, Soundview Avenue, stated that he has paid \$150.00 in truck repairs, after trying to use the Iron Pier Ramp.

De Witt Seymour, Northville Beach Civic Association, stated that at high tide, the ramp was useable, at one time, but with the sand problem, it is not useable at any tide level.

Supervisor Smith stated that the Town Board is in full accord with these complaints, but the Army Corps of Engineers and the Dept. of Environmental Conservation do not agree.

Supervisor Smith then recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:15 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice Calling Public Hearing on the Application of West Side Realty Co., for a Special Use Permit to increase the percentage of building area to lot area in Business B District.

The affidavits were ordered to be placed on file.

Supervisor Smith declared the Hearing open and asked if anyone wished to be heard.

John F. Coffey, Esq., representing West Side Realty Co., spoke of his client's application to reduce the off-street parking ratios and increase the percent of land coverage in the shopping center on Route 58 east of Ostrander Avenue and west of Oliver Street, and continued as follows:

"The subject property has a frontage on County Road #58 of some 2,100 feet, contains approximately 22.5 acres in area or 980,000 square feet. It is improved by a shopping center which has existing stores comprising some 196,000 square feet. These stores are shown on a survey that's been prepared by Young & Young and I would like to submit the survey for the Board's consideration.

The present land coverage on the shopping center is now 19.9% of land coverage. The zoning of the parcel is zoned Business B which permits land coverage of 15%, subject, however, to alteration of that land coverage by special exception, granted by the Town Board."

PUBLIC HEARING - continued:

"The parking that is currently provided, by an actual count, is for some 1,234 vehicles, which also includes a parcel shown on that survey, known as Parcel B. This parcel is not owned by the West Side Realty Co., but under an agreement with that owner, they mutually can share parking on it. However, for the purpose of our discussion, I would like to exclude the number of vehicles that are parked on Parcel B, since we could reasonably anticipate that sometime in the future it would be developed and that parking would be lost to West Side Realty Shopping Center."

Supervisor Smith: "Sir, when you say you have 1,234 parking spaces, that is exclusive of that Parcel B?"

Mr. Coffey: "No, that is inclusive and then we must deduct 30 spaces, which leaves us a net of 1,204."

Supervisor Smith: "All right, now when you give us the acreage at 22.5 totally, is that inclusive of Parcel B?"

Mr. Coffey: "No, that is not inclusive of Parcel B."

Supervisor Smith: "So the audience knows what Parcel B is, it is the northeast corner of the shopping plaza, immediately to the north of the Dry Dock Restaurant."

Mr. Coffey: "So we now have the current stated facts as 1,204 vehicles, as accessory to 196,000 square feet of shopping center."

These premises were built in 1965, when the permitted land coverage was greater than that permitted and subsequent to the construction of the shopping center, the Ordinances were changed which rendered this particular parcel what we call a non-conforming use. It technically did not conform to the requirements of the Ordinance, although legally constructed, at that time.

At that time also, the parking ratios were somewhat different and the parking did conform to the existing shopping center area in terms of ratio. So it was, when built, a conforming center.

There was also planned into the center, by reason of this coverage requirement and by reason of the parking ratios, all the buildings were designed and constructed as one-story structures. The site plan that was originally approved by the Town also indicated certain other expansions of the shopping center that were projected for the future, as well as the proposed bank, which is the subject of the application this evening. So that at the time the center was built, it was originally contemplated that it would be not only expanded, but also that a bank would be located in approximately the same position that we propose in the application this evening.

This application concerns an appeal by the West Side Realty Co., for a special exception to modify the off-street parking requirements and the percentage of land coverage requirements, so as to permit construction of a 3,500 square foot bank building to be occupied by the Island Federal Savings and Loan Association."



PUBLIC HEARING - continued:

"I believe I have submitted site plans and elevations to this Board in connection with this application and I respectfully refer the Board to those site plans. So we now have a, as we propose, site of some 980,840 square feet with existing buildings of 196,000 square feet and a proposed building of 3,500 square feet, making a total of 199,500 square feet or 20.3% of land coverage. So we're asking for roughly a 5.3% modification of the land coverage requirement.

The parking requirements under the Ordinance are 1 space for every 120 square feet of building and with what we propose now of 199,500 square feet of building, technically under the Ordinance some 1,662 spaces would be required or 8.33 spaces per 1,000 square feet of area for building. We now have provided a net of 1,204 vehicles and with the construction of the Island Federal building, based on the site plan that we've carved out for the Island Federal building, we would lose some 60 spaces. However, if you look at the Island Federal site plan of those 60 spaces lost, by the 13,000 square foot site carved out for Island Federal roughly some 30 or 31 spaces would be recaptured. So it's not really a net loss of 60, but let's assume for the purpose of this discussion that we are losing 60 spaces. This would leave a net number of parking spaces available to the center, with the proposed Island Federal construction of some 1,144 vehicles. This works out to a ratio of 1 car for every 175 square feet or 5.7 cars for every 1,000 square feet of retail space.

We come to this Board and base this application on a number of grounds: 1) the parking ratio of 1 space for every 120 square feet quite logically has built within it, a provision in the Ordinance for the Board to grant special exception to modify that parking requirement. In my last appearance before this Board I think I indicated that the 1 to 120 square feet ratio is certainly a valid ratio when we have a single user. However, when we have a larger shopping center with a number of users then the utilization of the parking spaces becomes really something that is done in common with all the stores and presumptably and pragmatically, not all of the parking spaces are used at the same time for each store. Each store has different peak hours. So that, since you do have this broad spectrum of uses, the theory is that the parking spaces are not continuously used by the same user, but that they are alternated by reason of the peak hours of the different stores.

I have asked Mr. Gerber to come here tonight. Mr. Gerber has a background and training as a traffic engineer and I would like to submit his list of qualifications and ask Mr. Gerber to present some facts concerning the Ordinance and some reasons for the request for the modification."

Supervisor Smith: "Mr. Coffey, before we get from your field to Mr. Gerber's field, is it correct, Sir, that in the calculations of the number of parking spaces as you have outlined them for the audience present, that we will lose some number of parking spaces, due to the widening of County Road #58, should it occur."

## PUBLIC HEARING - continued:

Mr. Coffey: "I did not indicate that in checking with the County Department of Public Works, it seems that they have put on the shelf any prospective road widenings in this area, apparently due to lack of funds. They go primarily on a 5 Yr. projection, so they have indicated that within the next five years, they do not propose to widen this road or to put the widening into effect. However, if the widening does actually take place, there would be a loss of some 70 vehicle spaces.

Now, I wanted to present to the Board also, the fact that a portion of this shopping center is now not utilized for parking. It is not paved and has simply been left in its natural state and since the Island Federal Savings and Loan structure is taking up some 13,000 square feet of site plan, the owner is willing to black top and pave an additional 13,000 square feet of space within the center, so as to exchange for that loss, so that there would be no loss of parking spaces and actually there would be a gain of parking spaces by that exchange."

Supervisor Smith: "That is, referring to your survey, Parcel A?"

Mr. Coffey: "That's correct."

Supervisor Smith: "How is Parcel A held? Is that the same title?"

Mr. Coffey: "Yes, it's the same title."

Supervisor Smith: "And that is included in your statement that there are 22.5 acres involved here?"

Mr. Coffey: "That's correct, Mr. Smith."

Norman Gerber, Planning Consultant, with offices in Amityville, stated that he would like to talk about three specific subjects and proceeded as follows:

"One is the Town of Riverhead's requirements for a shopping center, parking requirements the second one is that requirement, as compared with standards and recommended approaches by independent research and outside organizations and the third subject would be the specific shopping center and its characteristics, that is the Riverhead Plaza Shopping Center.

The first point that I alluded to is the subject of parking as called for in the Riverhead Ordinance, which is 1 space for every 120 square feet of gross floor area. That ratio, that parking index, comes out to 8.3 cars for every 1,000 square feet of space. That ratio is the highest of any town on Long Island, Nassau and Suffolk and while it might be appropriate, in the Town of Riverhead's opinion, we hope that in the Town Board's wisdom, it might see fit to modify that requirement, which is the subject of this hearing tonight.

I would say that if there was no way out, that is if that was the requirement and there was no other remedy, I would say that would be an extremely restrictive kind of Zoning Ordinance in so far as parking is concerned, as applied to shopping centers. As I said, it is definitely the highest of the three towns in Nassau County and the ten towns in Suffolk County."

PUBLIC HEARING - continued:

"The second item is the number of cars, the parking requirement, as called for or suggested by independent research firms. The organization that is widely quoted by the Suffolk County Planning Commission, the Nassau County Planning Commission and almost any planning, parking and traffic agency in the Country, calls upon the Urban Land Institute for its recommendations. The Urban Land Institute which is an independent outfit, calls for a maximum of 5.5 cars per 1,000 square feet in a shopping center. This could be translated to 1 space for approximately every 180 square feet of floor space and that would be their maximum recommendation. If you want to put that in terms that everyone can understand, myself included, it means that, with that requirement, there would be no parking problem, except on a few days before Christmas and that's what it boils down to. If you have a requirement that is less than that, then you might have a problem on maybe 4 or 5 days before Christmas, as opposed to 2 or 3 days before Christmas. And when you look at parking requirements in Ordinances, in other Communities, most of the time, the range is between 1 car for every 150 square feet of floor area and 1 space between 200 square feet of floor area or an index of between 5 cars per 1,000 square feet and 6.7 and in my opinion anywhere within this range would be a reasonable requirement. As I said, the Town of Riverhead is 8.3 spaces per 1,000 square feet. What this means is that for all days and hours of the year, except a few before Christmas, you're going to see, a sea of asphalt, with very few cars parked at certain parts of the particular facility, wherever it may be.

The third point, in my opinion, is the most important point because no matter what independent outfits say and no matter what Zoning Ordinances say, and no matter what criteria are applied, you must look at the specific site and the characteristics of the particular subject and that's where we come to the Riverhead Plaza facility itself.

I have been involved with this for few years, because without knowing about potential problem, going back two years ago, I did do some work for Island Federal Savings and Loan, the applicant for this particular site, because they have to get approval from the Federal Government before they can even locate. They received that approval, of course, pending local approval of the zoning and going back to June and July of 1974, I took pictures and had taken for me, some aerial pictures of the shopping center, as it existed at the time Grant's was in its heyday. Some of the pictures were taken on a Saturday, during midday, when they had the sidewalk sale and I'd like to present some of these pictures to the Board because they show clearly that the particular part they show clearly that the particular part of the property that is requested for the location of the bank was not used by cars, at all. The site itself is on Old Country Road, extremely far from the main line of stores from Hills to the west and Grants to the south and it is part of the shopping center that probably was never used except maybe one or two times before Christmas and that's about all, because the requirement for parking far exceeds the amount of floor space in the center and that particular part of the site, regardless of what happens to the Grants store, in the future, will always remain a sea of asphalt."

PUBLIC HEARING - continued:

"One way to remedy this in terms of bringing parking and floor space closer together and making the center look like it's vital, vibrant and attractive and conducive to shopping and new assessed valuation, is to bring the parking down to a more reasonable ratio and a more reasonable index, certainly not to over-crowd the center. That would be something I could never recommend to anybody. We're not talking about over-crowding, we're talking about a ratio that would bring the parking index and the floor space very close to what is the recommendation by the independent outfit, the Urban Land Institute and most of the other Town Ordinances in Nassau and Suffolk, basically between 150 and 200 square feet of floor space for 1 parking space."

Supervisor Smith: "Isn't it correct, when we talk about the very nature of parking requirements for large shopping centers, that your opinion is the basis of or qualified on the type of store that is in that particular location. You say that certain stores are used at different times than others. How much of your opinion, with reference to the ratios that you have stated, is based upon this particular shopping center."

Mr. Gerber: "I would say the tenants that are in Riverhead Plaza today comprise a typical community shopping center. I don't think there's anything very unusual about the nature and character of it. The characteristics of a community shopping center are a junior department store and a food market, as the prime tenants. In Riverhead, it comes close to being what might be called a sub-regional shopping center, because it is in fact, the largest shopping center on the east end."

Supervisor Smith: "To make a long story short, you'll stick with your opinion?"

Mr. Gerber: "That what?"

Supervisor Smith: "That if I were to vary the tenant, which I have no control over, as the Town Board and I were to put all one type or another in there, that that would alter your opinion or is it your opinion, as someone knowledgeable in these matters, that no matter what kinds of tenants we would have in there, that there would be ample parking."

Mr. Gerber: "The way you phrased the question requires me to comment. It would not matter whether it were Grants there or Sears or A & S or Penney's. If you took away some of the drug stores and put offices instead, then the parking requirements should be lower not higher. If Hills went out of business and was replaced by a furniture store, again, you would have much too much parking. So what I'm saying is that a shopping center that has 200,000 square feet anchored by a junior department store and a food market and other satellite stores, I would say it wouldn't matter how you mix those up, it would still be a community shopping center."

Discussion on other Town's restrictions and modifications ensued.

PUBLIC HEARING - continued:

Al Schips, former Manager of Grants, was sworn in and proceeded as follows:

"During my experience, as the manager of Grants, over a ten year period, the parking was adequate, except for maybe the opening day of the center and the closing day of our store. At Christmas time I would say the parking was still adequate, more than adequate. The parking probably, in the early part of the years, maybe 1965 or 1966, might have been a little crowded at Christmas time, then when Blake came in with their shopping center, it opened up considerably and after that the parking was more than adequate, without any question."

Supervisor Smith: "Thank you, Sir."

Mr. Coffey then presented a statement of Young & Young with reference to parking spaces.

Supervisor Smith stated that the Town Board would study that statement, at length.

Dr. Alfred Smith commented on some of Mr. Schip's testimony and asked why they couldn't put the bank in the store.

Mr. Robert Pekar, Calverton, spoke about the application for the proposed bank and asked about loss of parking spaces because of drive-in windows and special driveways for the drive-in windows.

He continued by complaining about other Towns and their crowded shopping centers and stated that he didn't want Riverhead to become like them.

Supervisor Smith asked Mr. Coffey if he had a proposed lease agreement with the Island Federal Savings and Loan and if so, for how long.

Mr. Coffey replied that they did have a lease and it was for a period of 25 years, subject to site plan approval by the Town Board with the option of renewal for an additional 25 years.

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:50 P.M. and called for a 5 minute recess.

Supervisor Smith re-opened the Meeting at 8:55 P.M. and made the following statement:

"The joint Meeting of the Commissioners of the Riverhead Fire District, the Jamesport Fire District and the Town Board of the Town of Riverhead will be held in this meeting room at 7:30 P.M., next Tuesday, the 27th of July."

Supervisor Smith then recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 9:00 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice Calling Public Hearing on the matter to expend \$129,510.00 of Federal Revenue Sharing Funds for public works projects for correction of drainage problems.

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continued:

Supervisor Smith explained the purpose of the Hearing, as follows:

"Ladies and Gentlemen, if I might just outline the purpose of this Hearing and give you a brief history of why we're doing it.

We receive from the Federal Government as do all municipal governments in the United States now, a certain fund of money, known generally as the Federal Revenue Sharing Funds. The Town Board can in the exercise of its judgment, hold Public Hearings with reference to the expenditure of Federal Revenue Sharing Funds. Our entitlement for the next two quarters will total approximately \$127,000. That is inclusive of the costs of publication of public notices and things of that nature, but it is safe to say that there is in excess of \$100,000 that this Town Board can allocate, should it choose to do so, for the work of what is commonly known as drainage projects, specifically the Town maintained roads, drainage projects or problems attendant thereto.

We have had many complaints with reference to these particular types of problems and we've decided that an overall approach to how these projects get done and where they get done, is what is required, rather than dealing with them on an item by item basis.

Mr. Horton, in his tenure and Mr. George Young, in his tenure, have worked prior to Mr. Vojvoda's tenure in my seat, on a series of projects that now have passed by through the passage of time. What we would like to hear from you is whether or not problems that concern you are the same problems, as were previously prevalent or whether we have new problems to add to the list and once we have a listing of the problems, we will evaluate them to see which are the most severe and which are within the means that we have available to us and we will state which projects will be done within the next year, with this fund of money."

He then declared the Hearing open and asked if anyone wished to be heard.

Henry Lamb, President of Clearview Civic Association, spoke of three areas of problem drainage in the Clearview Community, Industrial Blvd., in particular and complained that despite numerous written complaints and requests for help with reference to these problems, nothing was ever done to correct them.

He further stated that now one area is constantly flooded and infested with mosquitoes.

Supervisor Smith asked Mr. Lamb what was required to correct the situation.

Mr. Lamb stated that one letter, dated 1973, from Scheinberg, Wolf, Lapham and De Petris would best explain their needs and presented same to Supervisor Smith.

Councilman Menendez asked if the problem required a sump to cure it.

Mr. Lamb (inaudible)

## PUBLIC HEARING - continued:

Hyman Block, Wading River, stated that his problem was on Sound Avenue.

He further stated that he had drainage, it was after the drainage that caused his problems and went on to explain, as follows:

"There are two holes dug across the street, which my son and I can dig ourselves, that are not very professional and I suggest, now that we have some money, maybe a sump can be put there, but what it is doing, is undermining the entire highway and Sound Avenue, which is a Main Road, is now being ruined.

Now, when I tell Mr. Horton this, he tells me we have the best highways in Suffolk County. I don't want to know about Suffolk County, I just want to know about Sound Avenue.

I also tell him about cleaning out the sewers, although that's not directly connected, indirectly it is. I do all my own work for my mobile home park. I clean the sewers and I have called Mr. Horton 3 or 4 times and all I get is a cock-and-bull story. It's past history, but it's still a gripe and that's what we're here for."

Councilman Menendez asked Mr. Block for the exact location of his problem.

Mr. Block explained that his mobile home park is located 500 feet north on Sound Avenue, off of Route 25A.

Short discussion followed.

Charles Wood, Wading River Civic Association, thanked the Town Board for getting the mud out of the east pond in Wading River and suggested a sand trap be put in between the east end of the east pond and the Wading River Congregational Church to prevent future mud slides into the pond.

He then talked about the Wading River Creek being closed for clamming due to pollution.

Anthony Pasquale, East Avenue Ext., stated that he has been complaining for 13 years and all Mr. Horton ever did was come down and dig a hole.

Supervisor Smith explained Mr. Pasquale's problem for those in the audience and on the Board, who were not familiar with his complaint:

"You are on East Avenue Ext., north of Elton Avenue, on the east side and a great deal of water comes down from the direction of the Greek Orthodox Church and off of Elton Avenue and it flows into your property."

Frank Ambrose, Peninsula Path, stated that he sympathized with Mr. Pasquale's problem, but urged the Town Board not to drain it into Merritt's Pond, because that was bad enough as it was.

He went on to say that the fish were dying because of the pollution draining into the pond from an unknown source.

PUBLIC HEARING - continued:

Dr. Alfred Smith asked if this money could be used to clear up the flooding that always occurs on Route 58, east of Mill Road.

Supervisor Smith stated that that is a County problem and one of two such problems that were supposed to be included in the County's Capital Budget, but, to date, it had not been done.

Councilman Young stated that he felt Mr. Lamb's problem and that flooding problem (affectionately known as Stachiw's Lake) were related and if Mr. Lamb's creek could be cleaned out, maybe "Stachiw's Lake" would clear up too.

Steve Haizlip, Calverton, spoke about using some of Federal Funds to fix the main road in Timber Park, since those people up there were all taxpayers.

Supervisor Smith stated that it might be possible if the two main roads in Timber Park were dedicated to the Town.

He further stated that a title search and survey is going on and that problem is being worked on.

Mrs. Edith Stakey, Hallock Street, spoke of a drainage problem on the east end of Hallock Street, saying that both drains fill up and there's no place for the water to go, but in the road and it creates quite a mess.

Councilman Menendez stated that he took a look at that problem and in his estimation, the land to the south, which was filled in is the cause of this drainage problem and should never have been done because it was originally a natural sump.

Short discussion followed.

Supervisor Smith stated that later in the evening there would be a resolution concerning a public hearing on a proposed wetlands ordinance that hopefully would eliminate this type of problem in the future.

John Kobylenski, Pulaski Street, stated that there was a bad drainage problem on Hamilton Avenue and Pulaski Street that runs right down to the Fire House and asked if a larger pipe could be put in to eliminate this problem.

Supervisor Smith stated that there were a few drainage problems that the Town Board was aware of that had not been mentioned thus far and explained as follows:

"There is a drainage problem in Tidewoods, northeast of the easement that we have been working on recently, there is additionally a problem on the property of Wilson on Sound Shore Road that we have previously received letters on Bob Young's farm on Sound Avenue, Hogan on Roanoke Avenue.

Ed Gadzinski (inaudible)



## PUBLIC HEARING - continued:

Edmund Robertson, Hallock Street, complained about the lack of drainage on Hallock Street and stated that the drain of Everett Raynor (Item #26 on Agenda) cannot possibly handle all the water that collects on that street and never has.

The Town Clerk then read the following communication:

"I am writing this letter in regard to the Town Board Meeting of July 20, 1976 concerning drainage in the Town of Riverhead.

I moved into my house on May 25, 1972. On June 19, 1972 my house was seriously flooded. Only the quick bulldozing of fill around my basement windows prevented the basement from being totally filled with water. On February 2, 1973 my house again was flooded. The Wading River Fire Dept. pumped water from my yard for several hours.

During any heavy rain my backyard is always flooded and many times the water has completely encircled my home, going out by way of my front driveway. With the water, there are always deposits of sand, silt and debris all over my yard.

To lessen this flooding, an 8" pipe was installed in the corner of my backyard and is connected to the drainpipe in the front street. The drain is completely inadequate in a heavy rain. I have raised portions of my backyard by filling up to two feet of soil and have lowered other areas a foot or more. I have built a wall along part of my property line abutting my neighbor's property. I have built another wall a few feet away from my property line to direct the flow of water away from my house. I have what amounts to a trench nine feet wide and one foot deep from my backyard through my driveway, through the front yard and out to the street. I also carry the maximum amount of flood insurance available.

Now, as to the cause of the flooding of my property. In back of my house on a higher elevation is an area of about six acres consisting partly of other homeowner's land and also about a two acre section that was supposed to be a park area for the residents of Tide Woods, the development in which I live.

Up above this six acre area, at still a higher elevation, is a developed section, Beverly Hills. The land and roads in that area slope down toward the park area behind my house. It has been estimated by a member of the U.S.D.A. that the runoff of water from about 20-25 acres of land in the Beverly Hills section goes directly into the park area behind my house.

What this adds up to is that my yard ends up as the drainage basin or sump for about six acres of Tide Woods property and twenty to twenty-five acres of Beverly Hills property. I might point out that the roads in the Beverly Hills section are officially town roads and that there are no catch basins, drainage pipes, or any provision whatsoever for holding back the water runoff from this area.

In addition, below the front of my house further down the street is a recharge basin for the Tide Woods Development. This recharge basin is barely able to handle the water runoff from the Tide Woods area. The additional runoff from the Beverly Hills section and park area first must pass over my property and only serves to overtax the already inadequate Tide Woods recharge basin."

PUBLIC HEARING - continued:

"In conclusion, I ask the Town Board to take whatever steps necessary to contain the runoff from the town roads in the Beverly Hills section that enter the Tide Woods park area. I know that sooner or later in a heavy prolonged rainfall my house would flood, there would be extensive property damage and there is even the possibility of serious personal injury to myself or my family.

I have done everything possible to minimize the flooding of my property. I can do no more. Only the Town Board has the resources and expertise to remedy this situation. (Signed: John Ottaviano)"

No one else wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the Hearing closed at 9:37 P.M. and re-opened the Meeting.

PERSONAL APPEARANCES - continued:

Charles Wood, Wading River Civic Association, spoke on the Wading River Plaza, saying that there was too much parking area for the number of stores being planned and added no beauty to that part of Wading River.

Supervisor Smith explained, at length, that the site plan on the board was not being considered under the Special Permit provisions of the Ordinance because it was a permitted use.

He further stated that the one site plan posted before the Town Board had not been approved by the Board and to his knowledge, a new site plan had not been filed with the Town Board.

Discussion followed.

Ken Mooring, Little Bay Road, Wading River, spoke of the lack of landscaping to enhance the looks of the Wading River Plaza and voiced his concern over the disposition of the land on either side of the Plaza.

He then stated his concern over the implementation of the Master Plan, in the future.

Short discussion followed.

Jack Murtha, Wading River, echoed Mr. Mooring's concerns for more landscaping and less black top.

Sarah Wood, Wading River, stated that she wished Riverhead's shopping centers could be as attractive as Brookhaven's.

Robert O'Kane, Wading River, suggested annexing the part of Wading River belonging to the Wading River-Shoreham School District to Brookhaven to lessen the amount of school taxes.

He further complained about his high assessment and outlined ways to go about the annexing procedure.

Supervisor Smith stated that they would take that matter under advisement.

He further stated that he understood Mr. O'Kane's assessment problems and that they bore scrutiny.

Discussion followed.

PERSONAL APPEARANCES - continued:

Donald "Cy" Walsh, Riverhead, urged the Town Board to consider placing a person knowledgeable in firematics on the Planning Board to help eliminate dangerous and costly problems in the development of the Town.

Supervisor Smith stated that one of the conditions on West Side Realty Company's application for a special permit was to file any and all construction plans with the Fire Department responsible for its area.

He further stated that as the Board considers zoning revisions they will consider his request, as well.

Supervisor Smith then recessed for 5 minutes and re-opened the Meeting at 10:05 P.M. and proceeded with resolutions.

RESOLUTIONS

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That a Public Hearing be held before this Board on the 3rd day of August, 1976, at 8:30 o'clock, P.M., and the Town Clerk be and she is hereby authorized to publish and post the annexed Notice hereof.

PUBLIC NOTICE

PLEASE TAKE NOTICE That on the 3rd day of August, 1976, at 8:30 o'clock, P.M., a public hearing will be held before the Town Board of the Town of Riverhead, at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all those persons interested in the following proposed amendments to the Code of the Town of Riverhead:

Coastal and Freshwater Wetlands  
Flood Plain and Drainage Legislation

A local law regulating the dredging, filling, deposition or removal of materials, diversion or obstruction of water flow, placement of structures and other uses in the water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge areas and natural drainage systems in the Town of Riverhead and the requirement of permits therefore.

Be it enacted by the Town of Riverhead, State of New York, as follows:

RESOLUTION - continued:

## Section 1.0 Legislative Intent

1.0 The Town Board of Riverhead finds that rapid growth, the spread of development and increasing demands upon natural resources are encroaching upon, despoiling, polluting or eliminating many of its water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge areas and other natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, social, esthetic, recreation and economic assets to existing and future residents of the Town.

1.1 It is the intent of the Town Board to protect the citizens of the Town of Riverhead by providing for the protection, preservation, proper maintenance and use of its water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge areas and natural drainage systems in order to minimize their disturbance, prevent damage from erosion, turbidity or siltation, salt water intrusion, loss of fish, shellfish, or other beneficial marine organisms, aquatic wildlife and vegetation and the destruction of the natural habitat thereof, the danger of flood and storm tide damage and pollution, and to otherwise protect the quality of water courses, coastal wetlands, tidal waters, marshes, shorelines, freshwater wetlands, watersheds and water recharge areas, underground water reserves, beaches and natural drainage systems for their conservation, economic, esthetic, recreation and other public uses and values and further to protect the Town's potable fresh water supplies from the dangers of drought, over-draft, pollution and misuse or mismanagement. Therefore, the Town Board declares that regulation of the water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge areas and natural drainage systems of Riverhead Town is essential to the health, safety, economic and general welfare of the people of Riverhead Town, and for their interest.

## Section 2.0 Title

2.0 This local law shall be known and may be cited as the "Coastal and Freshwater Wetlands, Flood Plain and Drainage Law" of the Town of Riverhead.

RESOLUTION - continued:  
Section 3.0 Definitions

3.0 The following terms, phrases, words and their derivatives shall have the meaning given herein:

a) Peak-lunar tides -- those excessively high tides or spring tides caused by lunar gravitational phenomena;

b) Tidal water -- shall include all waters bordering on or within the Town boundaries subject to fluctuations in depth from storm, peak-lunar or normal tidal action and shall include but not be limited to all brackish and salt waters of streams, ponds, creeks, estuaries, bays, sounds, inlets and the ocean, and may include certain fresh waters.

c) Water courses -- all water bodies other than tidal waters, including fresh water streams, marshes, swamps, bogs, vernal ponds, ponds and lakes;

d) Coastal wetlands -- shall include all lands and submerged lands bordering on or within the Town boundaries which are covered by tidal waters permanently or intermittently from normal or peak-lunar tides;

e) Tidal marsh -- shall include those coastal wetlands inundated by tidal waters from normal tidal action, and/or peak-lunar tides, exhibiting salt-marsh peat at their undisturbed surface and upon which grow some or all of the following indigenous vegetation: Salt meadow grass (*Spartina patens*), spike grass (*Distichlie spicata*), black grass (*juncus gerardi*), cordgrass (*spartina alterniflora*), saltworts (*Salicornia sp.*), sea lavender (*Linonium carolinanus*), salt marsh bulrushes (*Scirpus robustus* and *Scirpus poludosus var. atlanticus*), sand spurrey (*Spergularia marina*), tall cordgrass (*Spartina pectinata*), high tide bush (*Iva frutescens* and *Iva baccarus*), cattails (*Typha augustifolia* and *Typha latifolia*), spike rush (*Eleocharis rostellata*), chairmaker's rush (*Seirpus americana*), bent grass (*Argostis polustria*), and sweet grass (*hierochlee odorats*);

f) Intertidal zone -- shall include those tidal marshes and coastal wetlands regularly covered and exposed by normal tidal water action; the area between mean low water and mean high water including the low marsh cordgrass (*Spartina alterniflora*);

g) Upland -- shall include all lands at elevations above the most landward edge of the tidal marsh and/or above peak-lunar tides or peak storm tide of record;

h) Coastal flood plain -- shall include all tidal waters and all those submerged lands, coastal wetlands, tidal marshes and contiguous uplands which are inundated regularly or intermittently from normal tidal cycles and/or peak-lunar and storm tides. The upland limit of peak storm tide and, hence, limit of the coastal flood plain shall be established at the upland U.S.C.G.S. contour representing the local maximum flood of record or maximum historical flood;

RESOLUTION - continued:

i) Natural drainage system -- shall consist of those uplands, flood plain lands and water courses, including coastal wetlands, designated on the Official Map of Riverhead Town. Such lands and waters may include but not be limited to all uplands exhibiting 15% or greater slopes, all fresh, salt or brackish water, swamps, bogs, marshes, streams, vernal ponds, ponds, lakes and all lands within the coastal flood plain whether intermittently or permanently saturated or covered by ground, surface, or tidal waters;

j) Watershed lands -- all land surface areas bounded peripherally by a water parting and draining ultimately to a particular water course. Such lands shall include all surface water catchment areas or drainage basins from which the water courses are drawn via surface drainage;

k) Freshwater wetlands -- lands and submerged lands commonly called marshes, swamps, sloughs, bogs, and flats supporting aquatic or semi-aquatic vegetation of the following vegetative types:

a) wetland trees, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other trees; including, among things, red maple (*Acer rubum*), willows (*Salix* spp.), black spruce (*Picea mariana*); swamp white oak (*Quercus bicolor*), red ash (*Fraxinus pennsylvanica*), American elm (*Ulmus americana*), and Larch (*Larix laricina*);

b) wetland shrubs, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other shrubs; including, among others, alder (*Alnus* spp.), buttonbush (*Cephalanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*), and leatherleaf (*Chamaedaphne calyculata*);

c) emergent vegetation, including, among others, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), arrow arum (*Peltandra virginica*), arrowheads (*Sagittaria* spp.), reed (*Phragmites communis*), wildrice (*Zizania aquatica*), bur-reeds (*Sparganium* spp.), purple loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*), and water plantain (*Alisma plantago-aquatica*);

d) rooted, floating-leaved vegetation; including among others, water-lily (*Nymphaea odorata*), water shield (*Brasenia schreberi*) and spatterdock (*Nuphar* spp.);

e) free-floating vegetation; including among others, duckweed (*Lemna* spp.), big duckweed (*Spirodela polyrrhiza*), and watermeal (*Wolffia* spp.);

f) wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other open land vegetation; including, among others, sedges (*Carex* spp.), rushes (*Juncus* spp.), cattails (*Typha* spp.), rice cut-grass (*Leersia oryzoides*), reed canary grass (*Phalaris*

RESOLUTION - continued:

arundinace), swamp loosestrife (*Decodon verticillatus*) and spikerush (*Eleocharis* spp.);

g) bog mat vegetation; including, among others, sphagnum mosses (*Sphagnum* spp.) bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne calyculata*), pitcher plant (*Sarracenia purpurea*) and cranberries (*Vaccinium macrocarpon* and *V. oxycoccos*);

h) submergent vegetation; including among others, pondweeds (*Potamogeton* spp.), navads (*Najas* spp.) bladderworts (*Utricularia* spp.), wild celery (*Vallisneria americana*), coontail (*Ceratophyllum demersum*), water milfoils (*Myriophyllum* spp.) muskgrass (*Chara*), stonewort (*Nitella* spp.), water weeds (*Elodea* spp.), and water smartweed (*Polygonum amphibium*);

l) Water recharge areas -- all land surface areas which by nature of their surface and/or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies;

m) U.S.C.G.S. contour -- those elevations established on contour maps of the U.S. Coast and Geodetic Survey;

n) Material -- shall include but not be limited to soil, sand, gravel, clay, bog, peat, mud, debris and refuse or any other material organic or inorganic;

o) Comprehensive Plan -- that comprehensive master plan of the Town for the development of the entire area of the municipality showing existing and proposed facilities, endorsed by the planning board and adopted by the Town Board;

p) Person -- any person, firm, partnership, association, corporation, company, organization or legal entity of any kind including municipal corporations, governmental agencies or subdivisions thereof;

q) Remove -- shall include dig, dredge, suck, bulldoze, dragline or blast;

r) Operation -- use or activity, removal, deposition or construction operations, or all of these;

s) Lambert projection -- Lambert Polyconic Conformal Projection, (appropriate) State Coordinate System, (appropriate) Zone.

## Section 4.0 Prohibited Acts

4.0 Except as hereinafter provided it shall be unlawful for any person without obtaining a written permit therefore issued upon the order of the Town Board to:

a) place, deposit or permit to be placed or deposited debris, fill or any materials including structures into, within or upon any tidal waters or other water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge areas, or any natural drainage system;

RESOLUTION - continued:

b) dig, dredge, or in any other way alter or remove any material from submerged lands, tidal waters or other water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, water recharge areas, or any natural drainage system;

4.1 The deposition or removal of sand, gravel or any materials, and construction of groins, docks, bulkheads, boat houses, dwellings, accessory buildings, roads or other improvements within tidal waters or other water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge areas, or natural drainage system shall be regulated by provision of this law.

4.2 The deposition or removal of natural products of the water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge area, or any natural drainage system by commercial or recreational fishing, shellfishing, aquaculture, hunting or trapping operations shall be excepted from provisions of this law, where otherwise legally permitted and regulated.

#### Section 5.0 Permitted Acts

5.0 The acts set forth in Sections 4.0 and 4.1 are permissible if done pursuant to terms and conditions of a permit approved by the Town Board, and obtained from the Town Clerk or pursuant to an approved and filed subdivision map or building permit carrying final site development approval by the Planning Board and approved by the Town Board.

5.1 The following operations and uses are permitted in the water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge area, or any natural drainage system as a matter of right subject to provisions of sections 4.0:4.1

a) Conservation of soil, vegetation, water, fish, shellfish and wildlife;

b) Outdoor recreation including play and sporting areas, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing were otherwise legally permitted and regulated;

c) Operation of dams and other water control devices including temporary alteration or diversion of water levels or circulation for emergency, maintenance or aquaculture purposes;

d) Grazing, farming, nurseries, gardening and harvesting of crops;

e) Boat anchorage or mooring;

f) Uses accessory to residential or other permitted primary uses of adjoining lands or waters provided they are consistent



RESOLUTION - continued:

5.2 Upon the issue of a special permit for an exception to sections 4.0 or 4.1 and subject to such special conditions or safeguards as the Town Board may deem necessary to fulfill the intent and objectives of this law, the following uses and operations are permitted:

- a) Docks, bulkheads, boat launching or landing sites and marinas;
- b) Temporary storage of materials;
- c) Appropriate municipal use such as parks, recreation, wildlife sanctuaries, and accessory uses such as concessions;
- d) Commercial or private recreation facilities consistent with this law as determined by the Town Board;
- e) Dams and other water control devices, dredging or diversion of water levels or circulation or changes in water courses to improve hazardous navigation conditions, or for the improvement of fish, shellfish or wildlife habitat, recreation facilities or drainage improvements deemed to be consistent with the intent and objectives of this law by the Town Board;
- f) Driveways and roads where alternative means of access are proven to be impractical in the considered judgment of the Town Board.

5.3 All uses and operations permitted or approved by special permit shall be conducted in such a manner as will cause least possible damage and encroachment or interference with natural resources and natural processes within the water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge area, or any natural drainage system.

5.4 Provided the Planning Board or Zoning Board of Appeals, as the case may be, concurs, that portion of any single lot or subdivision in a coastal flood plain, watershed, recharge lands, tidal marsh or freshwater wetlands or natural drainage system may be used in calculating the area and yard requirements for the zoning district in which the remainder of the lot or subdivision is situated.

5.5 The valuation placed on coastal flood plain, watershed lands, water recharge areas, tidal marshes or freshwater wetlands or natural drainage systems for purposes of real estate taxation shall take into account and be limited by the limitation on future use of such land provided:

- a) The landowner grants to the Town a permanent scenic or conservation easement to run with the land. Such easement shall not necessarily include public access, but shall give to the Town all development and management rights upon the land subject to the ease-

RESOLUTION - continued:

ment. The value of such easement shall be a legal income tax deduction subject to Internal Revenue Code, B. Statutes and Rulings Section 170-Charitable, etc., Contributions and Gifts.

## Section 6.0 Permit Procedure

6.0 All applicants for a permit to do any of the acts permitted or prohibited by Sections 4 and 5 shall present an original and three copies of the permit application together with other required information to the Town Clerk. All applications and copies thereof must be accompanied by or include the following information:

a) Name and address of applicant and applicant's agent if any and whether applicant is owner, lessee, licensee, etc. If applicant is not owner, the written consent of the owner, duly acknowledged, must be attached;

b) Purpose of proposed removal or deposition operations, use or activity;

c) Amount of material proposed to be removed or deposited or type of use;

d) Description of the area in which removal, deposition or use is proposed; the description shall be by bearing distance and based upon the Lambert Projection. North and east coordinates of the starting point shall be given;

e) Depth to which removal or deposition operations are proposed and angle of repose of all slopes including deposited materials and sides of channels or excavations resulting from removal operations;

f) Manner in which material will be removed or deposited, structure installed or use carried out.

## 6.1 Permit application shall be accompanied by:

a) A survey and topographical map, with contours shown at one foot intervals and the area of removal, deposition, use or construction indicated;

b) All maps shall be certified by a registered land surveyor or Professional Engineer, both licensed in the State of New York;

c) Survey and topographical map shall show soundings, depth or height of proposed removal and deposition area. The horizontal control of survey shall be based upon the Lambert Projection. The vertical control for elevation and soundings shall be based upon U.S.C. and G.S. and/or U.S. Geological Survey datum;

d) The names and addresses of all owners of lands contiguous to lands and waters where proposed operations will take place;

e) A filing fee representing no more than five percent of the estimated cost of the proposed operation as designated by the Town Board.

RESOLUTION - continued:

6.2 This local law does not obviate the necessity for the applicant to obtain the assent or a permit required by any other agency before proceeding with operations under an approved Town Board permit. Approval or permits which may be required by the Town Board of Trustees, State Water Resources Commission, Department of the Army or others, is solely the responsibility of the applicant. No operations shall be initiated by the applicant until such other permits as may be required are issued.

6.3 All applications for building permits, filed subdivision maps or any development within the water courses, coastal wetlands, tidal marshes, flood plain lands, natural drainage systems, freshwater wetlands, watersheds and water recharge areas shall be reviewed by the Town Conservation Advisory Council. The Council shall file its report with the Town Board as provided in Section 7.1 infra.

Section 7.0 Administration of Permit Application

7.0 The Town Clerk shall retain the original permit application for his files and distribute one copy each to the Town Board and the Conservation Advisory Council.

7.1 The Conservation Advisory Council shall review all permit applications and provide a written report to the Town Board within twenty-one (21) days of its receipt of said application. Upon prior reasonable public notice published in the official newspaper of the Town, the Town Board shall hold a public hearing on the permit application. The Town Board shall, after required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state in writing its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk who will advise the applicant of such decision by transmitting a copy of the permit application to applicant with the decision and conditions, if any, imposed by the Town Board attached.

7.2 If permit application is denied or approved, the decision of the Town Board regarding a permit application shall be judicially reviewable.

7.3 Based upon proceedings and decision of the court in the event a taking is declared, the Town may, within the time specified by the Court, elect to:

a) Institute condemnation proceedings to acquire the applicant's land in fee by purchase at fair market value;

b) Approve permit application with lesser restrictions or conditions;

c) Invalidate all conditions and the application of this law to plaintiff's land and grant a permit without conditions.

7.4 The permit applicant or his agent proceeding with operations approved shall carry on his person or have readily available the approved permit and show same to any agency or agent of the Town of River-

RESOLUTION - continued:

7.5 Operations conducted under permit shall be open to inspection at any time by any agency or agent of Riverhead Town.

Section 8.0 Compliance With Conditions

8.0 The permit applicant upon approval of permit shall file with the Town Clerk a performance bond, if required, in an amount and with sureties and in a form approved by the Town Board:

a) The bond and sureties shall be conditions on compliance with all provisions of this local law and conditions imposed on permit approval;

b) Applicant shall certify that he has public liability insurance against liability which might result from proposed operations or use covering any and all damage which might occur within three years of completion of such operations;

c) Amount of liability insurance coverage shall be a minimum of five hundred thousand (\$500,000.00) dollars for all accidents resulting in bodily injury or death, and one hundred thousand (\$100,000.00) dollars for property damage;

d) Applicant shall also submit to the Town Clerk an affidavit which indemnifies and saves harmless the Town or any agency or agent thereof from any claims arising out of or connected with operations under the permit and from all acts, omissions, commissions, or negligence on the part of the applicant, his agents or employees;

e) In the case of removal, deposition, placement of structures, other operations or uses permitted within the water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge area, or any natural drainage system, the Town Board shall reserve the right to require payments to the Town in an amount and in such manner as the Town Board shall direct;

f) The Town Board shall reserve the right to require a permit or license for any operations or uses permitted in the water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge area, or any natural drainage system of the Town.

Section 9.0 Penalties and Corrective Action

9.0 Any person, firm, corporation or entity found violating any provision of this local law or conditions imposed by the Town Board upon an approved permit shall be served with a written notice at the direction of the Town Board stating the nature of the violation and providing a specified time within which the violation shall cease and satisfactory corrective action taken by the violator:

a) Any person, firm, corporation or entity violating this local law shall be guilty of an offense, and upon conviction thereof, be punishable by fine or imprisonment, or both. Fines may be up to one thousand dollars (\$1,000.00) and imprisonment may be for thirty (30) days.

RESOLUTION - continued:

b) Any person, firm, corporation or entity who shall continue such violation beyond the time limit specified by the Town Board shall be guilty of another offense, and upon conviction thereof, be fined in an amount not to exceed one thousand dollars (\$1,000.00) for each offense or imprisoned thirty (30) days, or both;

c) Each day of such violation shall constitute a separate offense under this law;

d) In the event any person, firm, corporation or entity shall continue any violation beyond the time limit specified by the Town Board, the Town Board shall direct the Town Attorney to apply to the Supreme Court in the 10th Judicial District for an order directing the violation be corrected or removed, and that all costs and expenses incurred by the Town of Riverhead in connection with proceedings, including the actual costs of correction or removal shall be assessed against the offender;

e) Any person, firm, corporation or entity violating the provisions of this local law shall become liable to the Town for any expense or loss or damage occasioned the Town by reason of such violation.

Section 10.0 Existing or Prior Conditions

10.0 Any structures, dwellings, construction or operations existing within the water courses, coastal wetlands, tidal marshes, flood plain lands, freshwater wetlands, watershed, water recharge area, or any natural drainage system, shall be exempt from this law and permitted to continue provided that:

a) No new construction, structures, dwellings or operations will be permitted after the effective date of this law, except by permit as provided herein;

b) Where damage or hazardous conditions exist, the landowner may be required by the Town Board to repair such damage or remedy such hazardous conditions as the Town Board may direct.

Section 11.0 Validity

11.0 All ordinances and local laws or parts of ordinances and local laws in conflict herewith are hereby repealed.

11.1 The invalidity of any word, clause, sentence, section, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

Section 12.0 Effective Date

This local law is enacted under provisions of appropriate state enabling statute. This local law shall take effect immediately.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town of Riverhead and Everett B. Raynor, entered into a three (3) year lease dated August 4, 1959, expiring August 31, 1962, covering drainage privileges from Hallock Street, and

WHEREAS, Said lease has a provision for renewal on a year to year basis, and was duly renewed under the provisions of said lease for the period ending August 31, 1976,

NOW, THEREFORE BE IT RESOLVED, That the Town of Riverhead renew the said lease on a year to year basis at an annual rental of \$150.00, and on the same terms and conditions contained in said lease, the present renewal being for the year ending August 31, 1977, and be it

FURTHER RESOLVED, That the Town Clerk send notification of this intention to the said Everett B. Raynor.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Police Officers be paid recall pay from June 1, 1976 to and including June 30, 1976, as per P. B. A. Contract:

|    |                |         |        |          |
|----|----------------|---------|--------|----------|
| 1. | H. Boden       | 6-11-76 | 4 hrs. | \$49.44  |
| 2. | T. Dorfer      | 6-21-76 | 4 hrs. | 44.46    |
| 3. | V. Gianni      | 6-21-76 | 4 hrs. | 38.94    |
| 4. | B. Keller      | 5-10-76 | 4 hrs. | 38.94    |
| 5. | W. Palmer      | 6-14-76 | 4 hrs. | 50.10    |
| 6. | E. Sadowski    | 6-01-76 | 4 hrs. | 46.62    |
| 7. | A. Summerville | 6-14-76 | 4 hrs. | 50.10    |
|    |                |         | Total  | \$318.60 |

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Police Officers be paid overtime from June 1, 1976 to and including June 30, 1976 as per P.B.A. Contract at time and one-half their regular salary:

|    |              |                 |                 |         |
|----|--------------|-----------------|-----------------|---------|
| 1. | F. Alexander | 6-11-76         | ½ hr.           | \$ 5.56 |
| 2. | J. Kurpetski | 6-3-76 -6-22/76 | 1 hr. - 50 min. | 21.09   |
| 3. | O. McDonald  | 6-11-76         | 3 hrs. 20 min.  | 37.05   |
|    |              |                 | Total           | \$63.70 |

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the accounts listed below be debted in the amounts shown, and that the Shared Services Account A1620.4 be granted in the amounts shown of \$583.33 for the period dated May 25, 1976 to July 6, 1976:

|         |   |          |
|---------|---|----------|
| A1100.4 | Judical Contractual Expenses                    | \$112.05 |
| A1220.4 | Supervisor, Office, Travel, etc.                | 67.50    |
| A1330.4 | Finance, Contractual Expenses                   | 181.52   |
| A1355.4 | Assessment, Office, Travel, etc.                | 63.56    |
| A1410.4 | Town Clerk, Contractual Expenses                | 48.68    |
| A1420.4 | Law, Contractual Expenses                       | 5.14     |
| A3620.4 | Safety Inspection, Contractual Expenses         | 43.62    |
| A8010.4 | Zoning Board of Appeals, Contractual Expenses   | 5.42     |
| A8020.4 | Planning Board, Contractual Expenses            | 13.10    |
| A7020.4 | Recreation Administration, Contractual Expenses | 42.64    |

A1620.4 Shared Services, etc. \$583.33

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

BE IT RESOLVED, That the resignation of Joe Saland as Chairman of the Board of Assessment Review due to health reasons and to be effective as of July 8th, 1976, be and is hereby accepted with regrets, and

BE IT FURTHER RESOLVED, That the appointment of Shirley Saland as Secretary to the Board of Assessment Review, by Town Board resolution, dated July 8, 1976, be rescinded, due to her inability to serve, at that time.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That Highway bills submitted on Abstract dated July 20, 1976, as follows: General Repairs Item 1: Mobil Oil Corporation, bills dated June 28, 1976 and July 6, 1976, totalling \$729.77:

Machinery Item 3: Highway Auto Body, bill dated June 21, 1976 for \$1100.00 and Rolle Bros. Sales & Service, Inc., bill dated June 28, 1976 for \$2,104.24:

Miscellaneous Item #4. Capitol Highway Materials, Inc., bills dated July 1 and 9, 1976, totalling \$1,228.45; be and the same are hereby approved for payment.

Councilman Menendez made the following statement: "In the body of this resolution is a reference to a bill of Highway Auto Body of Southampton, which is a junk yard in Southampton and for the expenditure of \$1,100 for two (2) Used Flink Self Feeding Spreaders. Now I want this part deleted from this resolution. We don't have those spreaders on hand at this point and I can't see this Board paying for anything we don't have on hand and undelivered. And I want to see them first, for maybe it's junk.

Councilman Menendez asked that his statement remain as part of this resolution and seconded the motion made by Councilman Lombardi.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

BE IT RESOLVED, That the Supervisor's Office Personnel be authorized to attend Double-Entry Training School at New Windsor, New York, on July 21st, 22nd, 27th, 28th, and 29th, and August 11th, 1976, and

FURTHER RESOLVED, That the expenses incurred herein be reimbursed.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes. The resolution was thereupon declared duly adopted.

Councilman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Town Board of the Town of Riverhead on July 6th, 1976, passed a resolution amending Local Law No. 2-1976, after proper publication and posting, and

WHEREAS, The Town Clerk of the Town of Riverhead forwarded all necessary papers to the Secretary of State, and

WHEREAS, The Secretary of State advised said Town Clerk, that the Local Law amending Local Law No. 2-1976, "must be a separate Local Law from Local Law No. 2-1976, with separate numbering",

NOW, THEREFORE, BE IT ENACTED By the Town Board of the Town of Riverhead as follows: Local Law No. 4-1976: that the following description contained in Local Law No. 2-1976, Section 101-10 (formerly contained in Town Ordinance No. 3, Section 4) be deleted:

| <u>"Street</u>     | <u>Side</u> | <u>Location</u>   |
|--------------------|-------------|---|
| Hulse Landing Road | East        | Between North Wading River Road and its northerly terminus" |

and that the following new description be added:

"Both sides of Hulse Landing Road, from the mean high water line, southerly to North Wading River Road. Both sides of Cedar Road from a point at the intersection with Hulse Landing Road, westerly for a distance of 100 feet. Both sides of Locust Road from a point at the intersection with Hulse Landing Road westerly for a distance of 100 feet."

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes. The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, This Town Board does feel that it is in the best interest of the community and the employees that all employees of the Town of Riverhead and its subordinate districts be residents of the Township of Riverhead, and

WHEREAS, This Board, by prior resolution, has made residency within the Township of Riverhead as a condition of employment for all employees hired in the future,

NOW, THEREFORE, BE IT RESOLVED, That all employees, as a condition of their employment, must be residents of the Township of Riverhead, and all those employees who are not now residents of the Town of Riverhead, must become residents of the Town of Riverhead within one (1) year of the date of this resolution, or they shall be terminated.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes. The resolution was thereupon declared duly adopted.



RESOLUTIONS

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Highway Superintendent, in conjunction with the Town Attorney and the Town Clerk, be and he hereby is, authorized to let bids for the purchase of highway salt.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.  
The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, There is pending a tax certiorari by Paramount Apparel vs. the Board of Assessors, and

WHEREAS, The Assessors have agreed to settle said action by a reduction in the assessed valuation of the realty owned by the plaintiff,

NOW, THEREFORE, BE IT RESOLVED, That the Board of Assessors and/or Supervisor and Council are authorized to settle said action by the reduction of the assessment of said plaintiff to an assessed valuation of Two hundred thirty thousand six hundred and 00/100 (\$230,600.00) Dollars, effective for the year 1975, on the following stipulation that said settlement will result in the taking of a judgment by the plaintiff corporation against the Township of Riverhead, and the collection thereon be foreborne until the budget year, 1976.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.  
The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That Mrs. Jane Stromski be, and she hereby is, appointed as a thirty (30) day temporary employee, as a clerk to the Planning and Zoning Board of Appeals, and that she be further appointed as clerk to the Board of Assessment and Appeal, and be it

FURTHER RESOLVED, That Carl Locker is hereby appointed as a member of the Board of Assessment and Review.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.  
The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Supervisor be, and he hereby is authorized to prepare Duty Statements for the position now labelled "Dog Catcher" in the Town of Riverhead, and upon the classification of said Duty Statements, the two positions shall become open for appointment, and that the Supervisor be, and he is further authorized and directed to call for a Civil Service list with reference to those two positions.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, No, and Smith, Yes.  
The resolution was thereupon declared duly adopted.

RESOLUTIONS

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

WHEREAS, Robert Kennedy has been carried on the payroll of the Town of Riverhead as a temporary employee as a laborer in the Town Dump, and

WHEREAS, The employee who he was temporarily replacing has filed for retirement and that position is therefor open, subject to the disability leave granted to Frank Block,

NOW, THEREFORE, BE IT RESOLVED, That Robert Kennedy be, and he is hereby hired as a laborer in the Town Dump for a probationary period of eight (8) weeks, to be automatically renewed for a period of six (6) months, and further subject to the filing of an amended Duty Statement, if this Board feels that the same is in order.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the Town Attorney and Town Clerk are hereby authorized to publish and post notice of Public Hearings with relation to amendments:

1. To the Waste Disposal Ordinance
2. To the Traffic Control Ordinance; and
3. With reference to amending the Traffic Control Ordinance to permit a license for fishermen to be on public roads after ten (10:00) P.M.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Town Attorney and Town Clerk be, and they hereby are, authorized to prepare and publish a notice of public bidding with reference to the acquisition of certain capital machinery at the Sanitary Landfill.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Special Permit application of Net Realty be granted upon the following conditions: (1) That the amendment to the drawings submitted to the Town Board showing a sidewalk in the southwest corner of the parcel, which conforms to the established traffic pattern through that parcel, be incorporated in this Special Permit; (2) That the curbing that has heretofore been removed at the intersection of the easterly driveway on Roanoke, remain eliminated from the parcel; and (3) That as a condition of this permit, and subject to a further hearing by this Board with reference to the establishment of fire and no parking zones in the aforesaid parcel, that the easterly driveway become a one-way exit from the parcel, to wit; that traffic shall be only permitted to travel in a west to easterly direction on said roadway.

RESOLUTIONS continued:

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes. Supervisor Smith prefaced his vote by the following statement: "Nobody is happy with this parking lay out in that place. All the things that we might consider on how to alleviate on some of the problems that have been created in that parking area have been considered, and everytime we change one thing, it fouls up something else. So we're doing this evening, the best we can do with a bad situation, and with that preface, I vote, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, This Board has held a Public Hearing with reference to a Special Permit application on behalf of George Schmelzer to establish a trailer park on the northerly side of River Road at Calverton, and

WHEREAS, It is the finding of this Board that the applicant had pending an application for a trailer park permit as is the condition of the granting of said permit, and

WHEREAS, The design and lay out of said trailer park has been approved by the Planning Board, and

WHEREAS, It is the desire of this Town Board to establish certain conditions on this Special Permit,

NOW, THEREFORE, BE IT RESOLVED, That the application of George Schmelzer for the creation and operation of a mobile home community in the Town of Riverhead be granted in accordance with the plans and specifications on file with the Town Board on the further condition that all roads and curbs be completed and installed prior to the siting of any trailer on said premises, and further that all drainage shown on plans and specifications be completed prior to the installation of the first mobile home, and further that the sewerage and water systems for each mobile home be completed before a certificate of occupancy shall be issued for that mobile home, and on the further condition that the terms and conditions of any and all leases between the applicant and future tenants remain the subject of the jurisdiction of this Town Board, together with any regulations that are read into said lease, and that the review of said terms and conditions remain a condition precedent to the issuance of this Special Permit.

The vote, Lombardi, Yes. Councilwoman Tomlinson made the following statement: "I made a statement two weeks ago. I said we have enough mobile home parks in this Town. I am not enthusiastic about new ones or expanding old ones. I am not condemning what's there, but I still feel the same way and am voting, "No", on this application."

Councilman Menendez prefaced his vote by saying: "I think we have just about had it where Trailer Parks are concerned, but Mr. Schmelzer is a kind of a special case and it goes back in ten years or more and through no fault of his own. The permit was granted once and then withdrawn when the new highway came through. So Mr. Schmelzer actually is coming in under the "grandfather clause". Menendez, voted, Yes.

Councilman Young prefaced his vote by saying: "It would probably be smarter for me to abstain from voting because I happen to own a mobile home park, but I have spoken to a couple of lawyers about this and one lawyer said, "Go ahead and vote, if you vote for it - Macy's doesn't vote for Gimbels and it wouldn't be a conflict - and other lawyers have told me to play it safe and not vote. But I feel I am not paid by the Town of Riverhead to play it safe. I feel I should vote for what I believe is best for the Town of Riverhead. We have in Riverhead about 2000 mobile homes at the present time and 90% of them have Senior Citizens, retired people in them. In the 2000 homes there are only 100 children attending schools. These Senior Citizens buy their mobile homes from local business, they spend their income in the Town, not one of them is on welfare. They are good people. They've worked all their lives and I feel that we owe them something. They pay their dues to society and for people like this I am willing to risk a conflict of interest and I think that the reason that there is criticism of mobile home parks is because the

RESOLUTIONS continued:

(Councilman Young) Town Boards have legislated against them and given the Mobile Park owners too much power over the tenants and I don't think this can be cured by more of the same, nor by more legislation. The only thing that can cure it is competition and you might say I am voting against my self when I vote for this. I vote, Yes."

Supervisor Smith: "I have one thing to say to preface my vote also. The particular gentleman has been a client of the firm that I was formerly associated with and which I no longer hold an interest. I have consulted with the senior member of the firm and the firm was never involved in the litigation involving this particular parcel under which Mr. Schmelzer claims his grandfather clause status. And with that preface, I'll vote, Yes!"

The resolution was declared duly adopted.

Supervisor Smith directed his remark to the Town Clerk and stated: "Resolution No. 32b - resolution for approving performance Bond for Iron Pier Woods is tabled. For the reason that for a subdivision known as Tide Woods in Wading River where a succession of performance bonds have been released and we find ourselves in the cold. This one is of the same format and there is going to be some conditions in this one, where not only the Planning Board sees it, or the Town Clerk sees it but the Town Board and the Town Attorney and a few other people see it before it gets released. And I think the duration will be a little longer."

Supervisor Smith offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That a Public Hearing be held before this Board on the 3rd day of August, 1976, at 8:00 o'clock, P. M., and the Town Clerk, be and she is, hereby authorized to publish and post the annexed Notice hereof.

PUBLIC NOTICE

PLEASE TAKE NOTICE that, on the 3rd day of August, 1976, at 8:00 o'clock, P.M., a public hearing will be held before the Town Board of the Town of Riverhead, at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all those persons interested in the following proposed amendments to the Code of the Town of Riverhead:

With respect to Section 108-56. SIGNS

1. By adding the following underscored wording, to read as follows:

"A. The following signs are permitted in any use district without a permit:

- (1) One (1) real estate sign not exceeding eight (8) square feet in area, advertising the sale or lease of the premises on which it is erected and set back not less than twenty-five (25) feet from any side line and twenty (20) feet from the front and rear property line.

- " (2) One (1) nameplate or professional sign not exceeding two (2) square feet in area, bearing only the name and profession and/or occupation of the resident and set back not less than twenty-five (25) feet from any side line and twenty (20) feet from the front and rear property line.

RESOLUTIONS continued:

- (3) Temporary signs not exceeding eight (8) square feet in area, bearing only the name and occupation of the contractor or architect and set back not less than ~~twenty-five~~ (25) feet from any side line and twenty (20) feet from the front and rear property line. Such signs are permitted only during the period of construction of a building or structure."
2. By repealing and deleting Paragraph B in its entirety.
3. By repealing and deleting Paragraph C. (1) in its entirety, and adding new underscored subsections (1), (2) and (3), to read as follows:
  - C. The following signs are permitted in any business or industrial use district without a permit:
    - "(1) One (1) sign, per building displayed, attached to, or incorporated, in a building wall, which shall project not more than eight (8) inches beyond the face of the wall, which shall not exceed the height of said building wall, that being the vertical distance from the mean level of the ground surrounding the building to the lowest point of the roof, and said sign area not to exceed twenty-five percent (25%) of the total area of the building wall: or, one (1) sign, per building displayed, attached to or incorporated on a window, and said sign area not to exceed twenty-five percent (25%) of the total area of the window.
    - "(2) Specifically permitted, and exempt from (1) above, are all signs displayed attached to or incorporated on a window, which are of a temporary nature, not exceeding a time period of two (2) weeks.
    - "(3) The area of a sign shall be determined by the smallest rectangle that encompasses all of the letters or symbols that make up the sign, together with the area outside of the rectangle of a different color or material other than the general finish of the building or window, whether painted or applied." (Sign area defined for subsections (1) and (2) above, only.
4. By deleting and repealing Subsections G and H in their entirety.
5. By repealing and deleting Subsection I in its entirety, and creating new underscored Subsection I to read as follows:
  - "I. The following signs are permitted in any non-resident use district (upon the issuance of a permit) thereof:
    - "(1) One (1) free standing non-flashing, non-moving on premise sign, not exceeding twenty (20) square feet in sign area; not exceeding (15) fifteen feet in vertical height from the mean land of the ground surrounding the sign. Said sign shall be twenty-five (25) feet from each side line, and twenty (20) feet from the front and/or rear property line.

RESOLUTIONS continued:

"(2) For the purposes of this section, double-sided signs shall be treated as one sign."

6. By adding additional underscored Subsections L. and M. to read as follows:

"L. Any sign, not included in J. above, but violative of any section of this ordinance, wherever located shall become an unlawful structure on August      , 1976, and shall thereupon be removed.

"M. If any sign described in J. or L. above is not removed, in accordance with the above provisions, the Town of Riverhead is empowered to remove said sign, and bill and collect the expense of removal from the appropriate parties, including, but not limited to the owner of the sign, the owner of the real property upon which sign is located, the lessee of the real property upon which the sign is located, the lessee of the sign owner, or any other interest holder."

With respect to Section 108-3. SIGNS

By repealing and deleting in its entirety the definition of "Sign", and creating new underscored definition, as follows:

"SIGN - A name identification, description, display, illustration or device which is affixed to or painted or represented directly or indirectly upon a building or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a 'sign' shall not include any display of official court or public office notices, nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A 'sign' shall not include one which is located completely within an enclosed building, and not being visible and/or viewable from any area outside the enclosed building."

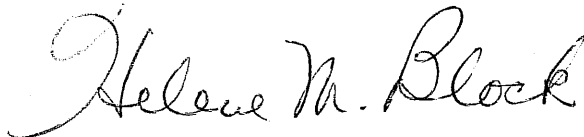
The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith,

Yes.

The resolution was thereupon declared duly adopted.

After the vote, Supervisor Smith made the following comment: "This is a Public Notice that would permit some signs in various and sundry areas in the Township of Riverhead. We stated when we passed what has effectively prevented bill boards from occurring in this Township. We made a statement that we would permit some on premises and some directional signs, at some time in the future. Mainly these proposed amendments would permit "on premises signs and advertising signs."

There being no further business on motion and vote, the Meeting adjourned at 10:45 P.M. to meet on Tuesday, August 3, 1976, at 7:30 P.M.



Helene M. Block, Town Clerk